

Filed for intro on 01/28/2002

HOUSE BILL 2392

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 66, Chapter 22, relative to acknowledgement of instruments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 66-22-114, is amended by adding the following as a new subsection (c):

(c) A notary public shall be presumed to have satisfied the requirements of this chapter and of either personally knowing the signor, being personally acquainted with the signor or having obtained proof of the signor's identity on the basis of satisfactory evidence. The inclusion or omission of wording or statements as to the notary's personal knowledge of, or acquaintance with, the identity of a signor or having obtained proof of the identity of the signor shall not affect the validity of any certificate of acknowledgment if it otherwise evidences an intent to authenticate, acknowledge or verify a document. The form of a certificate is not to be used to determine the validity of an acknowledgment, the eligibility of an instrument for recording, the ownership of property or the determination of any other right or obligation. A notarial act after July 1, 1986, that evidences an intent to authenticate, acknowledge or verify a document shall be conclusively deemed to satisfy the requirements of this chapter and be a valid

certificate for all purposes under the law as of the date of the notarial act. Any interested person who questions the validity of an authentication, acknowledgment or verification on the basis of the identity of the signor shall have the burden of proving that the signator is, in fact, a forgery or otherwise not the signature of the named signator.

SECTION 2. Tennessee Code Annotated, Title 66, Chapter 22, is amended by adding the following as a new section:

Section 66-22-116.

The form of acknowledgments enumerated in this chapter provides an alternative, but non-exclusive means of proving notarial acts. A failure of the record to show a compliance with requirements of this chapter shall in no wise affect the validity of the registration or priority of any registered instrument so long as the notary did, in fact, take the acknowledgment of the signor to the document being authenticated, acknowledged or verified.

SECTION 3. This act shall take effect July 1, 2002, the public welfare requiring it.